

# **EXHIBIT A**

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CASE NO: A-19-800443-C  
Department 24

1 **COMP**  
2 **GABRIEL A. MARTINEZ, ESQ.**  
3 Nevada Bar No. 326  
4 **DILLON G. COIL, ESQ.**  
5 Nevada Bar No. 11541  
6 **JENNIFER A. PETERSON, ESQ.**  
7 Nevada Bar No. 11242  
8 **GREENMAN GOLDBERG RABY & MARTINEZ**  
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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 **RAUL HERRERA,**

13 Plaintiff,

14 vs.

15 **ARAMARK SERVICES, INC.** a foreign  
16 corporation; **DOES I through V**; and **ROE**  
17 **BUSINESS ENTITIES I through V**,  
18 inclusive,

19 Defendants.

CASE NO.:  
DEPT. NO.:

**COMPLAINT**

20  
21 COMES NOW, Plaintiff, RAUL HERRERA, by and through his attorneys of record,  
22 Gabriel A. Martinez, Esq. Dillon G. Coil, Esq. and Jennifer A. Peterson, Esq. of the law firm  
23 GREENMAN GOLDBERG RABY & MARTINEZ, and as for his Complaint against Defendants  
24 above-named, and each of them, and for his cause of action alleges as follows:

25 **I.**

26 **JURISDICTIONAL ALLEGATIONS**

27 1. That at all times relevant to this action, Plaintiff, RAUL HERRERA (hereinafter  
28 "Plaintiff"), was and is a resident of State of Nevada, County of Clark.

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ACCIDENT INJURY ATTORNEYS

2. That upon information and belief, and at all times relevant to this action, Defendant Aramark Services, Inc. (hereinafter "Defendant" and/or "Aramark") was and is a foreign corporation authorized to do business in the State of Nevada, City of Las Vegas, County of Clark. Aramark is a food service company who was delivering trays of food for the inmates at Clark County Detention Center.

3. That Defendants, DOES I through V and ROE BUSINESS ENTITIES I through V, are sued herein by their fictitious names for the reason that their respective true names are unknown to Plaintiff at this time. When their true names are ascertained, Plaintiff will ask leave of this court to insert their true names herein, in the place and stead of their fictitious names. That at all times mentioned herein, each of the Defendants was the agent, employee, servant or corporate employer of the other and acting within the scope and purpose of said agency, employment, service or corporate activity. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants designated herein as a DOE or ROE BUSINESS ENTITY is negligently or otherwise responsible in some manner for the acts, events, circumstances, and happenings complained of herein, and actually and proximately thereby caused Plaintiff to suffer the expenses and damages herein below alleged. Further, Plaintiff alleges that each of the Defendants, and each of them, were an owner, operator, lessor, lessee, or some other entity interested in the operation and control of Defendants' food delivery, unloading and/or loading of trailers and/or vehicles at all relevant times to this action.

## II.

### FIRST CAUSE OF ACTION

#### (Negligence)

4. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs of this Complaint as though the same were fully set forth at length herein.

5. That on or about September 22, 2017, in State of Nevada, County of Clark, Plaintiff was on duty with the Clark County Detention Center, standing on a ramp extended from the dock of the Clark County Detention Center to an ARAMARK truck, unloading food carts full of trays.

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1           6. As Plaintiff was unloading the food trays from the truck, the driver of the  
2 Aramark truck suddenly moved the truck without notice, pulling the ramp away from the dock.

3           7. As the ramp was pulled out from under Plaintiff, Plaintiff who was holding onto  
4 one of the food carts loaded inside the back of the truck, pulled the food cart with him as he fell,  
5 causing the food trays to fall on top of him and causing injuring to both shoulders.

6           8. An ARAMARK employee was operating the Aramark truck at the time it drove  
7 away from the dock.

8           9. That said ARAMARK employee, in such a negligent, reckless and careless  
9 manner, failed to use due care while operating the truck.

10          10. That the aforesaid incident was solely caused by the negligent, careless and gross,  
11 wanton and reckless conduct of Defendant's employee, and in no way was due to any negligent  
12 act or failure to act on the part of Plaintiff.

13          11. That the negligent, careless conduct and gross, wanton and reckless conduct of  
14 Defendant's employee included, but is not limited to operating Defendant's truck without due  
15 regard for the rights, safety and position of the Plaintiff and failing to secure his load before  
16 moving his vehicle.

17          12. That as a direct and proximate result of the above-stated acts and omissions of  
18 Defendants, and each of them, Plaintiff sustained severe bodily injury.

19          13. That said injuries are permanent and lasting in nature and that Plaintiff suffered  
20 great pain, suffering and anxiety, and will continue to do so in the future.

21          14. That as a direct and proximate result of the above-stated acts and omissions of  
22 Defendants, and each of them, Plaintiff was prevented from attending and participating in his  
23 usual activities.

24          15. That as a direct and proximate result of the above-stated acts and omissions of  
25 Defendants, and each of them, Plaintiff was required to seek and undergo medical treatment,  
26 including, but not limited to, treatment by physicians, physical therapy and the taking of  
27 prescribed medications.

28          16. That as a direct and proximate result of the above-stated acts and omissions of

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1 Defendants, and each of them, Plaintiff has incurred, reasonable and necessary medical expenses  
2 related to injuries he sustained in the subject motor vehicle accident.

3 17. That as a direct and proximate result of the above-stated acts and omissions of  
4 Defendants, and each of them, Plaintiff will reasonably require future medical treatment and  
5 care.

6 18. That as a direct and proximate result of the negligence of Defendants, and each  
7 of them, as aforesaid, Plaintiff was entitled to receive workman's compensation benefits  
8 pursuant to Chapter 616 of the Nevada Revised Statutes. That, as Clark County Detention  
9 Center was obligated to provide these benefits, Clark County accepted Plaintiff's claim and  
10 subsequently paid benefits for medical and indemnity expenses for which a subrogation lien is  
11 claimed against any future settlements or judgments received by Plaintiff in an amount in excess  
12 of \$15,000.

13 19. That Plaintiff has been required to obtain the services of an attorney in order to  
14 prosecute this action, and that he is entitled to recover reasonable attorney's fees plus costs of  
15 suit.

### 16 III.

#### 17 SECOND CAUSE OF ACTION

#### 18 (Negligent Entrustment as to Defendants ARAMARK and/or ROE BUSINESS 19 ENTITIES)

20 20. Plaintiff repeats and realleges each and every allegation contained in the  
21 preceding paragraphs of this Complaint as though the same were fully set forth at length herein.

22 21. That ARAMARK and/or ROE BUSINESS ENTITIES entrusted Defendant's  
23 semi-truck to its employee.

24 22. That ARAMARK and/or ROE BUSINESS ENTITIES either knew, or should  
25 have known, that such entrustment to Defendant's employee was negligent.

26 23. That as a direct and proximate result of the negligent entrustment of Defendant's  
27 semi-truck by ARAMARK and/or ROE BUSINESS ENTITIES to its employee, Plaintiff  
28 sustained damages for which ARAMARK and/or ROE BUSINESS ENTITIES are now liable.

#### IV.

**(Respondent Superior as to ARAMARK and/or ROE BUSINESS ENTITIES)**

28. That Plaintiff has been required to obtain the services of an attorney in order to prosecute this action, and that she is entitled to recover reasonable attorney's fees plus costs of suit.

**V.**

31. That Plaintiff has been required to obtain the services of an attorney in order to prosecute this action, and that she is entitled to recover reasonable attorney's fees and costs of

1 suit.

2 VI.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff expressly reserving the right to amend this Complaint at the  
5 time of trial of the action to include all items of damage not yet ascertained and for any causes  
6 of action which discovery may so provide, demands judgment against Defendants, and each of  
7 them, as follows:

- 8 1. For a sum in excess of \$15,000 as and for past and future medical expenses and  
9 wage loss;  
10 2. For a sum in excess of \$15,000 as and for general damages for pain, suffering,  
11 mental distress, anguish and fear;  
12 3. For a sum equal to the workman's compensation lien claimed by Clark County;  
13 4. For reasonable attorney's fees plus costs of suit;  
14 5. For such other and further relief as the Court may deem just and proper in the  
15 premises.

16 Dated this 16<sup>th</sup> day of August, 2019.

17 GREENMAN GOLDBERG RABY & MARTINEZ

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19   
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Nevada Bar No. 326

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